

Sub. H. B. No. 96
As Passed by the Senate
ELCCD2, SOSCD15

_____ moved to amend as follows:

In line 67853, delete "allegations" and insert "alleged violations"; 1
delete "election fraud and voter" 2

In line 67854, delete "suppression, including any alleged violation 3
of Chapter 3599." and insert "Title XXXV" 4

In line 67855, delete ", other than an alleged violation of section" 5

In line 67856, delete "3599.03 or 3599.031 of the Revised Code," 6

In line 67857, delete "or" and insert an underlined comma; after 7
"complaint" insert "under this section, or upon the filing of a complaint 8
with the secretary of state under section 3517.16 of the Revised Code" 9

In line 67858, delete "election" 10

In line 67859, delete "fraud and voter suppression" and insert 11
"violations of Title XXXV of the Revised Code" 12

In line 73007, delete "The chairperson of the" 13

Delete lines 73008 through 73013 14

In line 73014, delete "(b) Each" and insert "Subject to division (A) 15
(2) (b) of this section, each"; delete "appointed by a member of" 16

In line 73015, delete "the general assembly" 17

In line 73021, delete the underlined period 18

Delete lines 73022 and 73023 19

In line 73024, delete "the office of presidential elector" 20

After line 73035, insert: 21

"(b) At all times, at least three members of the commission shall be 22
attorneys in good standing before the supreme court of Ohio. If, at any 23
time that multiple appointments to the commission are made simultaneously, 24
too few of the intended appointees are attorneys, the following appointing 25
officials shall have priority in selecting their preferred appointees who 26
are not attorneys, in the order stated, and the appointing officials with 27
lower priority shall select appointees who are attorneys: the secretary of 28
state, the speaker of the house of representatives, the president of the 29
senate, the senate minority leader, and the house minority leader." 30

In line 73063, reinsert "twenty-five"; delete "five" 31

In line 73198, strike through "(A)" 32

In line 73222, after "~~(C)~~" insert "(A) (1)" 33

In line 73224, delete "3501.35," 34

In line 73225, delete "3599.13, 3599.14, 3599.21," 35

In line 73226, delete ", division (A) of section 3599.11, or 36
division (A) (1) or" 37

In line 73227, delete "(2) of section 3599.12" 38

In line 73233, delete "(B) (1)" and insert "(2) A complaint may be 39
filed with the secretary of state under section 3517.16 of the Revised 40
Code for a violation of a provision in sections 3501.35, 3599.13, 3599.14, 41

or 3599.21, division (A) of section 3599.11, or division (A) (1) or (2) of
section 3599.12 of the Revised Code that occurs on or after the effective
date of this amendment. A prosecution may commence for a violation of such
a provision at any time before or after a complaint has been filed with
the secretary of state under section 3517.16 of the Revised Code.

(B) (1) "

Delete lines 73279 through 73506 (remove R.C. 3517.154 (3517.16))
and insert:

"Sec. ~~3517.154~~ 3517.16. (A) (1)—

~~The full-time attorney for the Ohio elections commission
shall review each complaint filed with the commission under
section 3517.153 of the Revised Code, shall determine the nature
of the complaint, and, unless division (A) (2) (a) of this section
requires that the complaint receive an automatic expedited
hearing, shall make a recommendation to the commission for its
disposition, in accordance with this section. The attorney shall
make the determination and the recommendation, if required, not
later than one business day after the complaint is filed.~~

~~(2) (a) If the attorney determines that the complaint sets
forth a violation of division (B) of section 3517.21 or division
(B) of section 3517.22 of the Revised Code and that the
complaint is filed during one of the periods of time specified
in division (B) (1) of section 3517.156 of the Revised Code, the
complaint shall receive an automatic expedited hearing under
section 3517.156 of the Revised Code.~~

~~(b) If the attorney determines that the complaint sets
forth a failure to comply with or a violation of division (C),
(I), (J), (O), (P), or (Q) of section 3517.13, division (A) of~~

~~section 3517.21, or division (A) of section 3517.22 of the Revised Code and that the complaint is filed during one of the periods of time specified in division (B)(1) of section 3517.156 of the Revised Code, the attorney shall recommend to the commission that the complaint receive an expedited hearing under section 3517.156 of the Revised Code, and the complaint shall receive such a hearing.~~

~~(c) If the attorney determines that the complaint sets forth a failure to comply with or a violation of a section of the Revised Code over which the commission has jurisdiction to hear complaints other than the sections described in divisions (A)(2)(a) and (b) of this section, and unless the attorney makes a determination as provided for in division (A)(3) of this section, the attorney shall recommend to the commission that the complaint be submitted to the commission under section 3517.155 of the Revised Code. After the attorney makes that recommendation, the attorney shall notify all parties to the complaint of the attorney's recommendation.~~

~~(3)(a) If a complaint sets forth a failure to comply with or a violation of a section of the Revised Code over which the commission has jurisdiction to hear complaints other than the sections described in divisions (A)(2)(a) and (b) of this section and if the complaint is filed during one of the periods of time specified in division (B)(1) of section 3517.156 of the Revised Code, the attorney may determine that the complaint should receive an expedited hearing under that section. The attorney shall make that determination by considering one or more of the following:~~

~~(i) The number of prior failures to comply with or violations of Title XXXV of the Revised Code that the person or~~

~~entity against whom the complaint has been brought has committed~~ 100
~~and any prior penalties the commission has imposed on the person~~ 101
~~or entity;~~ 102

~~(ii) If the complaint involves a statement required to be~~ 103
~~filed under section 3517.10, division (E) of section 3517.102,~~ 104
~~or section 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011,~~ 105
~~3517.1012, or 3517.1014 of the Revised Code or an addendum~~ 106
~~required to be filed under section 3517.11 of the Revised Code~~ 107
~~that is filed late, how late the filing is and how much time has~~ 108
~~elapsed between the deadline for filing the statement or~~ 109
~~addendum and the filing of the complaint;~~ 110

~~(iii) If the complaint involves contributions and~~ 111
~~expenditures, contributions and disbursements, deposits and~~ 112
~~disbursements, gifts and disbursements, or donations and~~ 113
~~disbursements required to be reported under section 3517.10,~~ 114
~~division (E) of section 3517.102, or section 3517.105, 3517.107,~~ 115
~~3517.108, 3517.109, 3517.1011, 3517.1012, 3517.1013, or~~ 116
~~3517.1014 of the Revised Code that are either not reported or~~ 117
~~reported late, the number of contributions and expenditures,~~ 118
~~contributions and disbursements, deposits and disbursements,~~ 119
~~gifts and disbursements, or donations and disbursements not~~ 120
~~reported or how late they were reported;~~ 121

~~(iv) If the complaint involves contributions required to~~ 122
~~be reported by a campaign committee under section 3517.10,~~ 123
~~division (E) of section 3517.102, or section 3517.105, 3517.107,~~ 124
~~3517.108, or 3517.109 of the Revised Code that are not reported,~~ 125
~~whether any of the contributors of the contributions not~~ 126
~~reported have a personal or professional relationship with the~~ 127
~~campaign committee's candidate;~~ 128

~~(v) If the complaint involves a statement required to be~~ 129

~~filed under section 3517.10, division (E) of section 3517.102, 130
or section 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011, 131
3517.1012, 3517.1013, or 3517.1014 of the Revised Code that is 132
incomplete, the degree to which it is incomplete; 133~~

~~(vi) If the complaint involves the receipt of 134
contributions in violation of section 3599.03 of the Revised 135
Code, the dollar amount and number of contributions received in 136
violation of that section; 137~~

~~(vii) If the complaint involves a failure to make the 138
identification or a misstatement of the identification required 139
under section 3517.105 or 3517.20 of the Revised Code, whether 140
the failure or misstatement was purposely made; 141~~

~~(viii) If the complaint sets forth a failure to comply 142
with or a violation of a section of the Revised Code described 143
in division (A) (2) (c) of this section, whether the person or 144
entity against whom the complaint has been made has committed 145
more than one such failure or violation within a reasonable 146
amount of time, or whether the cumulative nature of the failures 147
or violations indicates a systematic disregard for the law. 148~~

~~(b) Prior to making a determination under division (A) (3) 149
(a) of this section that the complaint should receive an 150
expedited hearing under section 3517.156 of the Revised Code, 151
the attorney shall take into consideration the number of panels 152
of the commission that have cases pending before them and the 153
number of cases pending before the panels and shall not make a 154
determination that will place an undue burden on a panel of the 155
commission. 156~~

~~(c) If the attorney determines that the complaint should 157
receive an expedited hearing under section 3517.156 of the 158~~

~~Revised Code, the attorney shall recommend to the commission
that the complaint receive an expedited hearing, and, if a
majority of the members of the commission agrees with the
recommendation, the complaint shall receive an expedited hearing
under that section.~~

~~(4) (A) (1) Any person who has personal knowledge of a
violation of a provision of the Revised Code listed in division
(A) of section 3517.15 of the Revised Code may file a complaint
with the secretary of state, on a form prescribed by the
secretary of state and signed under penalty of perjury.~~

~~(2) An official at a board of elections may file a
complaint with the secretary of state, on a form prescribed by
the secretary of state and signed under penalty of perjury,
alleging a violation of a provision of the Revised Code listed
in division (A) of section 3517.15 of the Revised Code.~~

~~(3) The election integrity unit of the office of the
secretary of state may initiate a complaint alleging a violation
of a provision of the Revised Code listed in division (A) of
section 3517.16 of the Revised Code.~~

~~(B) (1) Subject to division (F) of this section, the
election integrity unit shall review each complaint filed with
the secretary of state under division (A) (1) or (2) of this
section. If the complaint does not allege a violation of a
provision of the Revised Code listed in division (A) of section
3517.15 of the Revised Code or, in the case of a complaint filed
under division (A) (1) of this section, is not based on personal
knowledge, the secretary of state shall dismiss the complaint.
Except as otherwise provided in division (B) (2) of this section,
a dismissal under this division is without prejudice.~~

(2) After a complaint is dismissed under division (B) (1) 188
of this section on the ground that the complaint is not based on 189
personal knowledge, if the same person files another complaint 190
alleging the same or a substantially similar violation and the 191
complaint is not based on personal knowledge, the secretary of 192
state shall dismiss the complaint with prejudice. 193

(3) If the complaint is not dismissed under division (B) 194
(1) or (2) of this section, the election integrity unit shall 195
investigate the complaint. 196

(C) Subject to division (F) of this section, the election 197
integrity unit shall draft a report to the secretary of state 198
concerning each complaint filed under division (A) of this 199
section that is not dismissed under division (B) of this 200
section. The report shall recommend that the secretary of state 201
make a particular finding and, if applicable, impose a fine or 202
refer the matter for prosecution, in accordance with section 203
3517.17 of the Revised Code. 204

(D) The ~~attorney~~ election integrity unit may join two or 205
more complaints if the ~~attorney~~ unit determines that the 206
allegations in each complaint are of the same or similar 207
character, are based on the same act or failure to act, or are 208
based on two or more acts or failures to act constituting parts 209
of a common scheme or plan. If one complaint contains two or 210
more allegations, the ~~attorney~~ unit may separate the allegations 211
if they are not of the same or similar character, if they are 212
not based on the same act or failure to act, or if they are not 213
based on two or more acts or failures to act constituting parts 214
of a common scheme or plan. If the ~~attorney~~ unit separates the 215
allegations in a complaint, the ~~attorney~~ unit may make separate 216
recommendations under division ~~(A) (2) or (3)~~ (C) of this section 217

for each allegation.

~~(B) Whenever a person or other entity files a complaint with the commission setting forth a failure to comply with or a violation of a section of the Revised Code as described in division (A) (2) (c) of this section and the complaint is filed during one of the periods of time specified in division (B) (1) of section 3517.156 of the Revised Code, the person or entity may request an expedited hearing under that section at the time the complaint is filed. The attorney for the commission shall inform the members of the commission of that request at the time the attorney makes a recommendation under division (A) of this section. The commission may grant the request for an expedited hearing under this division if it determines that an expedited hearing is practicable.~~ (E) (1) Upon receiving the recommendation of the election integrity unit under division (C) of this section, the secretary of state shall review the report and recommendation and shall do one of the following:

(a) Refer the matter back to the unit for further investigation and a revised recommendation under division (C) of this section;

(b) Make a finding in accordance with section 3517.17 of the Revised Code, and, if applicable, impose a fine or refer the matter for prosecution.

(2) The secretary of state shall serve notice of the secretary of state's decision under division (E) (1) (b) of this section on the person who is alleged to have committed the violation in accordance with section 119.05 of the Revised Code.

(3) If, within fourteen days after service of the notice is complete under section 119.05 of the Revised Code, the person

objects to the secretary of state's decision, the secretary of 247
state shall not impose a fine or refer the matter for 248
prosecution, and immediately shall refer the matter to the Ohio 249
election integrity commission for its determination under 250
section 3517.17 of the Revised Code. 251

(4) If the person does not object to the secretary of 252
state's decision within fourteen days after receiving the 253
notice, the secretary of state's decision is final and, if 254
applicable, the secretary of state shall impose a fine or refer 255
the matter for prosecution as determined under division (E) (1) 256
(b) of this section. 257

(F) (1) If any of the following apply to a complaint, the 258
secretary of state shall proceed under division (F) (2) of this 259
section: 260

(a) The secretary of state is a party to the complaint. 261

(b) A candidate for an office for which the secretary of 262
state is also a candidate is a party to the complaint or is 263
otherwise involved in the complaint. 264

(c) The complaint involves a contribution, expenditure, or 265
independent expenditure made to advocate the election or defeat 266
of the secretary of state or a candidate for an office for which 267
the secretary of state is also a candidate. 268

(d) The secretary of state determines that the secretary 269
of state otherwise has a conflict of interest with respect to 270
the complaint or that the secretary of state should proceed 271
under division (F) (2) of this section to avoid any appearance of 272
impropriety. 273

(2) Notwithstanding any contrary provision of divisions 274

(B) to (E) of this section, when division (F) (1) of this section 275
applies to a complaint, the secretary of state shall request the 276
attorney general to designate one or more persons to fulfill the 277
duties of the election integrity unit described in divisions (B) 278
to (D) of this section. The attorney general shall designate 279
those persons and shall fulfill the duties of the secretary of 280
state under divisions (B) to (D) of this section." 281

In line 73507, strike through "Except as otherwise provided" 282

In line 73508, strike through "in division"; delete "(A) (2)"; strike 283
through "of this section"; delete ", upon" and insert "Upon" 284

In line 73509, delete "(F) (3)" and insert "(E) (3)" 285

In line 73524, after "(2)" insert "All hearings conducted by the 286
attorney with respect to the matter, and all meetings of the commission 287
with respect to the matter, shall be conducted in person, except that the 288
person who is alleged to have committed the violation may choose for the 289
person, the person's legal counsel, or both to appear at any hearing or 290
meeting with respect to the matter by means of video conference. 291

(3)" 292

After line 73533, insert: 293

"(4) Except as otherwise provided in division (A) (5) of this 294
section, the commission shall act under division (A) (3) (b) of this section 295
not later than one hundred eighty days after the matter is referred to the 296
commission for a hearing under division (E) (3) of section 3517.16 of the 297
Revised Code. 298

(5) If the matter is referred to the commission for a hearing under 299
division (E) (3) of section 3517.16 of the Revised Code less than one 300
hundred eighty days before an election and the matter involves a candidate 301
for nomination or election at the election or involves a ballot issue or 302

question that appears on the ballot at the election, then if practicable, 303
the commission shall act under division (A) (3) (b) of this section before 304
the day of the election." 305

In line 73633, strike through "(A)" and insert "(A) (1)"; strike 306
 through "division"; after "~~(D) (2)~~" insert "divisions (A) (2) and" 307

In line 73641, delete "of up to one thousand dollars" 308

In line 73642, after "violation" insert "that does not exceed the 309
maximum fine a court could impose for the violation" 310

In line 73646, delete "(B) (1)" and insert "(2) When section 3517.17 311
of the Revised Code authorizes the imposition of an administrative fine 312
for a violation of a provision in sections 3501.35, 3599.13, 3599.14, or 313
3599.21, division (A) of section 3599.11, or division (A) (1) or (2) of 314
section 3599.12 of the Revised Code, the secretary of state or the 315
commission, as applicable, may impose an administrative fine of up to one 316
thousand dollars for each violation. 317

(B) (1)" 318

In line 155677, delete "secretary of" 319

In line 155678, delete "state" and insert "Ohio Election Integrity 320
 Commission"; after "for" insert "hearing and"; delete "sections" 321

In line 155679, delete "3517.154(3517.16)," and insert "division (A) 322
 of section"; delete ", 3517.157(3517.18), and" 323

In line 155680, delete "3517.993(3517.171)" 324

In line 155681, after "act" insert ", provided that divisions (A) (4) 325
 and (5) of that section do not apply to a complaint transferred under this 326
 division"; after "The" insert "Ohio Elections" 327

In line 155682, delete "secretary of state" and insert "Ohio 328

Election Integrity Commission" 329

The motion was _____ agreed to.

SYNOPSIS

Election Integrity Unit 331

R.C. 3501.055 332

Expands the jurisdiction of the SOS's Election Integrity 333
Unit, created by the Senate-passed bill, to include violations 334
of the Campaign Finance Law in addition to other election 335
related violations. 336

Ohio Election Integrity Commission (OEIC) 337

R.C. 3517.152 (3517.14), 3517.153 (3517.15), 3517.154 338
(3517.16), 3517.155 (3517.17), and 3517.993 (3517.171); Section 339
525.50 340

Eliminates the ability of a legislatively appointed member 341
of the OEIC to qualify for the position by virtue of having been 342
a candidate for elective office. 343

Requires at least three members of the OEIC to be 344
attorneys, with any non-attorneys having at least four years of 345
experience in election administration. 346

Sets OEIC members' salaries at \$25,000, the same as 347
current ELC members, instead of \$5,000, as under the Senate- 348
passed bill. 349

Retains the provisions of the bill that give the OEIC new 350

jurisdiction over certain petition, voter registration, and 351
absent voting violations, but specifies that unlike for campaign 352
finance violations, a prosecution for those violations may 353
commence at any time, regardless of whether the OEIC process has 354
begun or is complete. 355

Clarifies that the OEIC procedures apply only to petition, 356
voter registration, and absent voting violations that occur on 357
or after the bill's standard 90-day effective date. 358

Allows the Election Integrity Unit to initiate a complaint 359
under the OEIC process. 360

Requires the Unit to review and investigate complaints 361
filed by others, instead of requiring an attorney appointed by 362
the SOS to do so. 363

Requires the Unit to draft a report and recommendation to 364
the SOS concerning each complaint filed under the OEIC process, 365
other than ones that are dismissed at the beginning of the 366
process. 367

Eliminates a requirement that the SOS's attorney hold a 368
hearing under the Administrative Procedure Act before making a 369
recommendation to the SOS. 370

Requires the SOS to serve notice of the disposition of the 371
complaint on the alleged violator according to the 372
Administrative Procedure Act, instead of only by certified mail. 373

Allows the AGO, in the case of a conflict of interest, to 374
designate any person or persons to investigate the complaint in 375
place of the Election Integrity Unit, instead of requiring the 376
AGO to appoint an attorney for that purpose. 377

Modifies the procedures that apply if the alleged violator 378

appeals the SOS's or AGO's determination. 379

Requires all meetings of the OEIC and all hearings 380
conducted by its attorney under the Administrative Procedure Act 381
to be in person, except that the alleged violator may choose to 382
appear by video conference. 383

Requires the OEIC process to be complete within 180 days 384
after the matter is appealed to the OEIC. 385

Specifies that if the matter is appealed to the OEIC less 386
than 180 days before an election and the matter relates to the 387
election, the OEIC must complete the process before the day of 388
the election, if practicable. 389

Allows the SOS or the OEIC, as applicable, to impose an 390
administrative fine for a campaign finance violation up to the 391
maximum applicable criminal fine amount, or up to \$1,000 for a 392
petition, voter registration, or absent voting violation. 393

Specifies that complaints currently pending before the ELC 394
are to be transferred directly to the OEIC for hearing and 395
disposition instead of beginning with the SOS and Election 396
Integrity Unit procedures. 397

Excludes those currently pending complaints from the 398
amendment's time limits for the OEIC to resolve them. 399